

REMARKS

This paper is being filed in response to the Office Communication dated June 26, 2002. Applicants request a one-month extension of time and enclose the fee required under 37 C.F.R. §1.17(a)(1). Applicants respectfully request reconsideration of the above-identified application in light of the amendments and remarks presented herein.

Claims 39-86 are pending. Claim 82 has been amended. The rewritten claim appears in the preceding "IN THE CLAIMS" section. Attached hereto is a marked-up version of the changes made by the instant amendment captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE" and is included pursuant to 37 C.F.R. §1.121(c)(ii). Should any discrepancies be discovered in the rewritten claim, the version presented in the preceding "IN THE CLAIMS" section shall have precedence.

The Examiner has alleged that the following groups of claims each constitute a separately patentable invention:

Invention Group I: Claims 39-51, 53-56, 82, and 86;
Invention Group II: Claim 52;
Invention Group III: Claims 57-71, 73-74, 82, and 86;
Invention Group IV: Claims 72;
Invention Group V: Claims 75-79;
Invention Group VI: Claims 80-81 and 83-84; and
Invention Group VII: Claims 82, 85, and 86;

The Examiner has further alleged that the following groups of sequences constitute patentably distinct species of the claimed invention:

Sequence Group I: SEQ ID NOS:1, 2, 3, 4, 5, or 6 as well as combinations of 1, 3, and 5; or 2, 4, and 6; and
Sequence Group II: SEQ ID NOS:19 or 20.

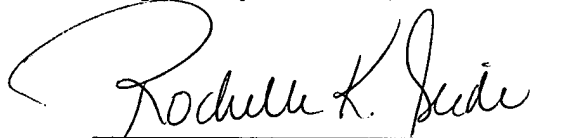
The Examiner contends that Applicants must elect one group and one species to be examined in the present application. In response, Applicants elect invention Group I and sequence Group I with traverse.

Claim 82 has been amended to refer only to claim 39. Applicants assert that this amendment obviates the grounds for restriction of Groups I and VII. Therefore, Applicants respectfully request withdrawal of this requirement and consideration of the claims of Group VII together with the claims of Group I.

Groups I and III relate to domains of single botulinum neurotoxin molecules, which can be used separately or in combination. Therefore, examination of these groups does not pose an undue search burden. Applicants further assert that the restriction of Groups II, IV, and V is improper since Group V is generic to Groups II and IV. Applicants, therefore, respectfully request withdrawal of the restriction requirement imposed on these claims.

Applicants enclose the fee required for a one-month extension of time under 37 C.F.R. §1.17(a)(1). Applicants do not believe any additional fee is due with this submission. Nevertheless, the Commissioner is hereby authorized to deduct any fees required with this submission from Deposit Account No. 02-4377. Two copies of this paper are enclosed.

Respectfully submitted,



Rochelle K. Seide
PTO Reg. No. 32,300

Attorney for Applicants
BAKER BOTTS L.L.P.
30 Rockefeller Plaza
New York, NY 10112
(212) 408-2500

August 7, 2002

Enclosures

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In this section, added text is marked with double underlining. *e.g.* added text, and deleted text is marked by a single strikethrough, *e.g.* ~~deleted text~~.

IN THE CLAIMS

Claim 82 has been amended as follows:

82. (AMENDED) A recombinant host cell comprising the nucleic acid of claim 39, 57, ~~or both~~.